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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council

26/14 Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality,

Reaffirming its resolutions 7/10 of 27 March 2008, 10/13 of 26 March 2009, 13/2 of 24 March 2010, 20/4 of 5 July 2012 and 20/5 of 16 July 2012, as well as all previous resolutions adopted by the Commission on Human Rights, on the issue of human rights and the arbitrary deprivation of nationality,

Reaffirming also its resolution 19/9 of 22 March 2012, in which it took into consideration the fact that persons without birth registration may be vulnerable to statelessness and associated lack of protection,

Recognizing the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Recalling articles 7 and 8 of the Convention on the Rights of the Child, which guarantee the right of the child to be registered immediately after birth and to acquire nationality,

Noting the provisions of other international human rights instruments and international instruments on statelessness and nationality recognizing the right to acquire, change or retain nationality or prohibiting arbitrary deprivation of nationality, inter alia, article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3 of the International Covenant on

Civil and Political Rights, articles 1 to 3 of the Convention on the Nationality of Married Women, article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, as well as relevant regional instruments,

Noting also general recommendation No. 30 (2004) of the Committee on the Elimination of Racial Discrimination,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law, as well as by instruments on statelessness, including, with respect to State parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 68/141 of 18 December 2013, in which the Assembly, inter alia, urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Taking note of the intergovernmental event organized by the Office of the United Nations High Commissioner for Refugees on 7 December 2011 marking the sixtieth anniversary of the Convention on the Status of Refugees and the fiftieth anniversary of the Convention on the Reduction of Statelessness, which guarantees the right of the child to be registered immediately after birth and to acquire nationality, and welcoming the ongoing implementation of pledges made by States at the said event in the field of the reduction of statelessness, prevention of statelessness and protection of stateless persons,

Welcoming the call of the United Nations High Commissioner for Refugees to eradicate statelessness within 10 years, including by preventing new situations of arbitrary deprivation of nationality and resolving existing situations of statelessness,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying them to individuals in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions on the issue of the nationality of natural persons in relation to the succession of States, in particular resolutions 55/153 of 12 December 2000, 59/34 of 2 December 2004, 63/118 of 11 December 2008 and 66/92 of 9 December 2011, in which the Assembly invited States to take into account the provisions of the articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission in dealing with issues of nationality of natural persons in relation to the succession of States,

Recognizing that arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the Special Rapporteur on minority issues on the subject of the right to nationality,

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Acknowledging that incidents of discriminatory deprivation of nationality, including without clear legislative basis or for which a legislative basis was exceptionally created, have been a source of widespread suffering and statelessness in the past,

Noting that some of the situations mentioned above remain unresolved to this day and have led to intergenerational statelessness, which affects the children and grandchildren of those originally deprived of their nationality,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness, and in this regard expressing concern at various forms of discrimination against stateless persons that may violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right enshrined in, inter alia, the Universal Declaration of Human Rights;

2. *Reiterates* that arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is a violation of human rights and fundamental freedoms;

3. *Also reiterates* that the prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

4. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, especially if such measures and legislation render a person stateless;

5. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with the principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality, and that such individuals are placed in a situation of increased vulnerability to human rights violations;

7. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and limited legal capacity, which have an adverse impact on their enjoyment of relevant civil, political, economic, social and cultural rights, in particular in the areas of education, housing, employment, health and social security;

8. *Reaffirms* that every child has the right to acquire a nationality, and recognizes the special needs of children for protection against arbitrary deprivation of nationality;

9. *Stresses* that children deprived of nationality and stateless children are at greater risk of particular forms of human rights violations, such as trafficking and other forms of exploitation;

10. *Urges* all States to prevent statelessness through legislative and other measures aimed at ensuring that all children are registered immediately after birth and have the right to acquire a nationality and that individuals do not become stateless thereafter;

11. *Welcomes* the report of the Secretary-General submitted in accordance with Human Rights Council resolution 20/5[1] and the conclusions contained therein;

12. *Calls upon* States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations;

13. *Emphasizes* that where States take any measure that would render individuals stateless by depriving them of nationality, they should endeavour to do so in a limited manner;

14. *Urges* States in regulating loss and deprivation of nationality to ensure incorporation in their domestic law of safeguards to prevent statelessness;

15. *Calls upon* States to ensure that such safeguards are implemented and access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, restoration of nationality, is provided;

16. *Also calls upon* States to consider whether loss or deprivation of nationality is proportionate to the interest to be protected by the loss or deprivation, including in the light of the severe impact of statelessness, and to consider alternative measures that could be adopted;

17. *Urges* States to refrain from automatically extending the loss or deprivation of nationality to a person's dependents;

18. *Encourages* States to grant their nationality to persons who had habitual residence in their territory before it was affected by the succession of States, especially if those persons would otherwise become stateless;

19. *Also encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction on Statelessness if they have not already done so;

20. *Welcomes* the ongoing efforts made in the field of reduction of statelessness and combating arbitrary deprivation of nationality by different United Nations bodies and entities and human rights treaty bodies, and calls on them to follow in this work the guidance note of the Secretary-General entitled "The United Nations and Statelessness" and the guidelines on statelessness issued by the United Nations High Commissioner for Refugees;

21. *Urges* relevant United Nations human rights mechanisms and appropriate treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources, and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

22. *Requests* the Secretary-General, in consultation with States, United Nations agencies and other relevant stakeholders, to prepare a report on the impact that the arbitrary deprivation of nationality has on the enjoyment of the rights of children concerned, as well as on the existing laws and practices on accessibility for children to acquire nationality, inter alia, of the country in which they are born, if they otherwise would be stateless, and to present it to the Human Rights Council before its thirty-first session;

[1] See A/HRC/25/28.

23. *Decides* to continue consideration of this issue in 2016 in accordance with its programme of work.

38th meeting
26 June 2014

[Adopted without a vote.]